

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1647**

**Introduced by ~~Assembly Member Hayashi~~ *Assembly Members  
Hayashi and Hill***

**(~~Coauthor: Assembly Member Hill~~)**

**(*Coauthors: Assembly Members Ammiano, Bass, Beall, Buchanan,  
Coto, Davis, Fletcher, Furutani, Galgiani, Huffman, Lieu, Bonnie  
Lowenthal, Ruskin, Saldana, Smyth, and Solorio*)**

**(*Coauthor: Senator Strickland*)**

January 13, 2010

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An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, and to add Sections 33355 and 49475 to the Education Code, relating to athletics.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as amended, Hayashi. Athletics.

(1) Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as an athletic trainer unless he or she has graduated from a college or university, after completing an accredited athletic training education program, as specified, completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004, or been

certified by the Board of Certification, Inc. The bill would prohibit an athletic trainer from engaging in athletic training activities unless pursuant to protocols developed by a physician and surgeon for that athletic trainer. The bill would make it an unfair business practice to violate these provisions.

(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities; and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill, commencing July 1, 2014, would provide that if a school district elects to offer any interscholastic athletic programs, the school district would be required to comply with certain requirements, including acquiring an automatic external defibrillator, to be made available at athletic activities ~~and to be used in compliance with specified provisions of law, ensuring that, immediately removing from an activity a high school athlete who is suspected of sustaining a concussion or head injury during an athletic competition be immediately removed from the activity,~~ and ensuring that there is a written action plan available that describes the procedures to be followed in the event of any emergency that occurs in connection with an athletic activity.

(3) Existing law grants the State Department of Education certain authority over interscholastic athletics, including the authority to state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

This bill would require the department to adopt a heat-acclimatization program established by the National Athletic Trainers' Association or other similarly recognized organization, and to make this program available to school districts through its Internet Web site or other means.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

1 (1) Over 125 middle school and high school athletes died in  
2 2008 and 2009, including 18 in California, and another 40 sustained  
3 catastrophic, life-altering injuries. Many of these deaths and injuries  
4 could have been prevented or mitigated if proper procedures were  
5 employed.

6 (2) According to the National Center for Catastrophic Sport  
7 Injury Research (NCCSIR), approximately 7.5 million pupils  
8 participate in high school athletics each year.

9 (3) The NCCSIR also estimates that 2 million injuries occur  
10 each year, including approximately 1 million injuries that result  
11 in the loss of at least one week of activity.

12 (4) Historically, over 60 pupils per year are killed or suffer  
13 catastrophic injuries, such as permanent paralysis, as the result of  
14 spinal cord injury.

15 (b) It is therefore the intent of the Legislature to enact legislation  
16 that will decrease the number of deaths and catastrophic injuries  
17 sustained by California pupil athletes, with the focus on the most  
18 common types of injuries and illnesses that result in life-threatening  
19 injuries and deaths, including sudden cardiac death, traumatic brain  
20 injury, and heat illness.

21 SEC. 2. Chapter 2.7 (commencing with Section 18898) is added  
22 to Division 8 of the Business and Professions Code, to read:

23  
24 CHAPTER 2.7. ATHLETIC TRAINERS  
25

26 18898. (a) No person shall hold himself or herself out to be  
27 an athletic trainer unless he or she has done any of the following:

28 (1) Graduated from a college or university after completing an  
29 athletic training education program accredited by the Commission  
30 on Accreditation of Athletic Training Education, or its predecessors  
31 or successors.

32 (2) Completed requirements for certification by the Board of  
33 Certification, Inc., prior to January 1, 2004.

34 (3) Been certified by the Board of Certification, Inc.

35 (b) An athletic trainer shall engage in athletic training activities  
36 only pursuant to protocols developed for that athletic trainer by a  
37 physician and surgeon licensed by the Medical Board of California  
38 or an osteopathic physician and surgeon licensed by the  
39 Osteopathic Medical Board of California.

(c) It is an unfair business practice within the meaning of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 for any person to use the title of “athletic trainer” or “certified athletic trainer” or any other term, such as “licensed,” “registered,” or “ATC,” that implies or suggests that the person is certified as an athletic trainer, if the person does not meet the requirements of subdivision (a) and ~~engage~~ *engages* in athletic trainer activities pursuant to subdivision (b).

SEC. 3. Section 33355 is added to the Education Code, to read: 33355. The department shall adopt a heat-acclimatization program established by the National Athletic Trainers’ Association or other similarly recognized organization; and shall make this program available to school districts through its Internet Web site or other means.

SEC. 4. Section 49475 is added to the Education Code, to read: 49475. (a) Commencing July 1, 2014, if a school district elects to offer any interscholastic athletic programs, the school district shall comply with all of the following:

(a) (1) The governing board of a school district shall acquire an automatic external defibrillator (AED) for pupils, instructors, spectators, and other individuals in attendance at extracurricular athletic competitions under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district. ~~The~~

(2) ~~The~~ governing board of a school district shall ensure ~~its availability~~ *that an AED is available* to trained personnel during all athletic activities under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district.

~~(1) An employee of a school district who renders emergency care or treatment is not liable for civil damages resulting from the use, attempted use, or nonuse of an AED, except as provided in paragraph (4).~~

~~(2) When an employee of a school district uses, attempts to use, or does not use an AED consistent with the requirements of this section, to render emergency care or treatment, the employee, school district, or both are not liable for civil damages resulting from any act or omission in rendering the emergency care or~~

1 treatment, including the use or nonuse of an AED, except as  
2 provided in paragraph (4):

3 (3) ~~Notwithstanding Section 1797.196 of the Health and Safety~~  
4 ~~Code, in order to ensure public safety, a school district shall ensure~~  
5 ~~all of the following:~~

6 (A) ~~That the AED is maintained and regularly tested according~~  
7 ~~to the operation and maintenance guidelines set forth by the~~  
8 ~~manufacturer.~~

9 (B) ~~That the AED is checked for readiness after each use and~~  
10 ~~at least once every 30 days if the AED has not been used in the~~  
11 ~~preceding 30 days. Records of these checks shall be maintained.~~

12 (C) ~~That any person who renders emergency care or treatment~~  
13 ~~to a person in cardiac arrest by using an AED activates the~~  
14 ~~emergency medical services system as soon as possible.~~

15 (D) ~~That for every AED acquired, up to five units, not less than~~  
16 ~~one employee per AED shall complete a training course in~~  
17 ~~cardiopulmonary resuscitation and AED use that complies with~~  
18 ~~the regulations adopted by the Emergency Medical Services~~  
19 ~~Authority and the standards of the American Heart Association or~~  
20 ~~the American Red Cross. After the first five AED are acquired,~~  
21 ~~for each additional five AED acquired, a minimum of one~~  
22 ~~employee shall be trained beginning with the first additional AED~~  
23 ~~acquired. Acquirers of AED shall have trained employees who~~  
24 ~~should be available to respond to an emergency that may involve~~  
25 ~~the use of an AED unit.~~

26 (E) ~~That there is a written plan available that describes the~~  
27 ~~procedures to be followed in the event of an emergency that may~~  
28 ~~involve the use of an AED, to ensure compliance with the~~  
29 ~~requirements of this section. The written plan shall include, but~~  
30 ~~shall not be limited to, immediate notification of 911 and trained~~  
31 ~~office personnel at the start of AED procedures.~~

32 (4) ~~Paragraphs (1) and (2) shall not apply in the case of personal~~  
33 ~~injury or wrongful death that results from gross negligence or~~  
34 ~~willful or wanton misconduct on the part of the person who uses,~~  
35 ~~attempts to use, or maliciously fails to use an AED to render~~  
36 ~~emergency care or treatment.~~

37 (b)

38 (3) A high school athlete who is suspected of sustaining a  
39 concussion or head injury in a school-sponsored athletic activity  
40 shall be immediately removed from the activity and shall not be

1 permitted to return to the activity until he or she is evaluated by a  
2 licensed physician and surgeon, osteopathic physician and surgeon,  
3 or athletic trainer trained in the management of concussions  
4 pursuant to Chapter 2.7 (commencing with Section 18898) of  
5 Division 8 of the Business and Professions Code. If an athletic  
6 trainer refers an athlete suspected of sustaining a concussion to a  
7 licensed physician and surgeon or an osteopathic physician and  
8 surgeon, that athlete shall not be permitted to return to the activity  
9 until he or she receives written clearance to return to the activity  
10 from that licensed physician and surgeon or osteopathic physician  
11 and surgeon.

12 ~~(e)~~

13 (4) The governing board of the school district shall ensure that  
14 there is a written emergency action plan available that describes  
15 the procedures to be followed in the event of any emergency that  
16 occurs in connection with an athletic activity.

17 (b) (1) *Commencing on July 1, 2014, in order to ensure public*  
18 *safety, a school district that acquires an AED is not liable for any*  
19 *civil damages resulting from any acts or omissions in the rendering*  
20 *of emergency care under subdivision (b) of Section 1714.21 of the*  
21 *Civil Code if that school district has complied with subdivision*  
22 *(b) of Section 1797.196 of the Health and Safety Code.*

23 (2) *Commencing on July 1, 2014, an employee of a school*  
24 *district who in good faith renders emergency care or treatment by*  
25 *the use of an AED at the scene of an emergency is not liable for*  
26 *any civil damages resulting from any acts or omissions in the*  
27 *rendering the emergency care. This protection does not apply in*  
28 *any case of personal injury or wrongful death that results from*  
29 *the gross negligence or willful or wanton misconduct of any*  
30 *employee of a school district who renders emergency care or*  
31 *treatment by the use of an AED.*

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